

# A Study of the Slaughtering Process and the Ineffectiveness of the Humane Methods of Slaughter Act

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In this article, Ms. Jamie L. Jenkins discusses the implications and ineffectiveness of the Animal Welfare Act (AWA) and the Humane Methods of Slaughter Act (HMSA). She provides an in-depth look at these laws and their lengthy legal history. This is followed by a summary of what these laws mean in practice and their lack of impact on the animal slaughtering process. Ms. Jenkins illustrates common methods for slaughtering livestock. Given the inefficiency of these laws and the suffering animals endure for human consumption, Ms. Jenkins then discusses a vegan diet as a way to bypass slaughtering animals for human consumption altogether.

In sum, the HMSA provides that, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.” The Act then describes humane slaughtering methods relating to cattle, calves, horses, mules, sheep, swine, and other livestock. It is important to note that “other livestock” does not apply to poultry. This means that over nine billion chickens, ducks and turkeys are not lawfully required to be “rendered insensible to pain...before being shackled, hoisted, thrown, cast, or cut...” Thus, this article questions the very notion of the term “humane slaughter.”

The article discusses causes of the under-enforcement of the HMSA, such as lack of employee training and supervision in slaughterhouses, which lead to cruelty towards livestock. In addition, for the first twenty years after the HMSA was enacted, the only way of enforcement was denying federal meat contracts to slaughterhouses. Another reason for the lack of enforcement of the act is that the current meat inspection policies do not adequately inspect for humane slaughter methods in meat plants around the country.

Although the AWA and the HMSA are Congress’ attempts at regulating animal welfare in the slaughter industry, in reality animal cruelty is still rampant in the factory farms and slaughterhouses in the U.S. The article discusses particular methods that are practiced to slaughter cattle, veal, pigs and sheep, and chickens.

Finally, the article outlines the benefits, for the animals and for humans, of choosing a vegan diet. One who chooses a vegan diet does not contribute to the suffering of animals since the person does not consume animals or animal products; he or she consumes food consciously. A vegan diet is safe and healthy to live by and research shows that vegans are shown to have lower levels of saturated fat, cholesterol, and animal protein and have higher levels of carbohydrates, fiber, magnesium, potassium, folate and antioxidants. Also, the consumption of fewer natural resources and less environmental damage result from a vegan lifestyle.

In conclusion, this article illustrates how the AWA and the HMSA have failed to protect the welfare of animals and failed to ensure a “humane” method of slaughter. Over and over, the abuses that animals suffer when they are killed for human consumption have been illustrated. Congress has failed to protect the welfare of animals in a setting where they are destined to be slaughtered for human consumption, which, as some would argue, is a practice that is inherently inhumane and cruel. Animals do not have to suffer so humans can live healthy lives. A vegan lifestyle shows that.

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“Nothing will benefit human health and increase chances for survival on Earth as much as the evolution to a vegetarian diet.”  
- Albert Einstein

## **I. INTRODUCTION**

The next time you sit down for a meal, look at your plate. What are you eating? How did it get to your dinner table? In light of the fast-paced world in which we live today, it is undeniable that food has become an afterthought. Society is in such a hurry to do whatever it is that needs to be done that we lack the time and energy to plan our meals and think about what it is we actually are consuming. However, the food we consume should be one of the most important decisions of our day. The general public likely does not consider the path that our food travels before it gets to our plates and, ultimately, into our bodies.

Nearly ninety-six percent of Americans consume meat as part of their diet.<sup>1</sup> Many Americans, however, only see either the beginning product (i.e. the farm animal) or the end result (i.e. the filet mignon) and are unaware of issues that come up during the slaughtering process. This paper will examine Congress’ response to one of those issues, the concept of humane slaughter and the Humane Methods of Slaughter Act. It will provide an overview of the legal rights of farm animals, including a look at a brief history of the legal rights of farm animals. Next, the Animal Welfare Act and the Humane Methods of Slaughter Act will be examined, followed by an illustration of what these laws mean in practice and the slaughtering process. Finally, as an alternative to contributing to the slaughter process and industry, a vegan diet will be discussed.

## **II. LEGAL RIGHTS OF FARM ANIMALS**

### **A. BRIEF HISTORY OF LEGAL RIGHTS FOR FARM ANIMALS**

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<sup>1</sup> Time/CNN Poll, *Do You Consider Yourself a Vegetarian?*, <http://www.time.com/time/covers/1101020715/poll/> (July 7, 2002).

Farm animal and anti-cruelty legislation began in the early colonial days of the United States. In 1641, Nathaniel Ward and the Puritans of the Massachusetts Bay Colony voted to include an anti-cruelty law printed in their first legal code, *The Body of Liberties*.<sup>2</sup> Sections 92 and 93, entitled *Off the Bruite Creature*, are the first anti-cruelty laws in the United States<sup>3</sup> and state, respectively:

92. No man shall exercise any Tirranny or Crueltie towards any brute Creature which are usuallie kept for man's use.

93. If any man shall have occasion to leade or drive Cattell from place to place that is far of, so they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for competant time, in any open place that is not Corne, meadow, or inclosed for some peculiar use.<sup>4</sup>

Throughout the 1700s, many pleaded for animal welfare legislation, including Jeremy Bentham<sup>5</sup>. While discussing the limits between private ethics and legislation, Bentham stated,

What other agents are there, which, at the same time they are under the influence of a man's direction, are susceptible of happiness. They are of two sorts: 1. Other human beings who are styled persons. 2. Other animals, which, on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into a class of *things*.<sup>6</sup>

In the accompanying footnote, he addresses why animal interests have not been addressed, "...universally, with as much as those of human creatures...? Because the laws that are have been the work of mutual fear...the question is not, Can they reason? nor Can they talk? but, Can they suffer?"<sup>7</sup>

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<sup>2</sup> *Animal Rights History, Animal Rights Law- History of Legal Protections for Animals; Legislative History of the Humane Movement Against Animal Cruelty*, <http://www.animalrightshistory.org/timeline/animal-rights-law.htm> (accessed June 10, 2008).

<sup>3</sup> *Id.*

<sup>4</sup> *The Liberties of the Massachusetts Collonie in New England, 1641*, <http://history.hanover.edu/texts/masslib.html> (accessed June 10, 2008).

<sup>5</sup> Jeremy Bentham was an English philosopher known for advocating legal reform and critiquing existing law. *Introduction to the Principles of Morals and Legislation (1789)* was his most important theoretical work and describes his moral theory and the "greatest happiness principle." William Sweet, *The Internet Encyclopedia of Philosophy, Jeremy Bentham (1748-1832)*, <http://www.iep.utm.edu/b/bentham.htm#H4> (accessed June 12, 2008).

<sup>6</sup> Jeremy Bentham, *The Library of Economics and Liberty, An Introduction to the Principles of Morals and Legislation, Chapter XVII, §1*, <http://www.econlib.org/library/Bentham/bnthPML18.html#Chapter%20XVII,%20Of%20the%20Limits%20of%20the%20Penal%20Branch%20of%20Jurisprudence> (1789).

<sup>7</sup> *Id.* at Footnote 122.

During the 1800s, British reformers campaigned for animal rights. William Wilberforce was one of the most renowned abolitionists of this period and sponsored a bill to abolish bull baiting<sup>8</sup>, but it was defeated in the House of Commons.<sup>9</sup> Later in 1821, Wilberforce teamed up with Thomas Foxwell Buxton and Richard Martin to sponsor a bill in the House of Commons to, “prevent cruel and improper treatment of Cattle.”<sup>10</sup> A version of this bill, Martin’s Act, was passed in Parliament in 1822, and made it unlawful for to inflict cruel suffering upon cattle, oxen, horses and sheep.<sup>11</sup> However, this bill only listed a few animals and neither protected their welfare or gave them any legal rights.<sup>12</sup>

Early law in the United States was modeled after British law, which likened animals to property; however, this view began to change in the United States during the reform movements in England in the nineteenth century.<sup>13</sup> In 1828, New York was the first state in the new union to pass an animal cruelty law, which read: “Every person who shall maliciously kill, maim, or wound any horse, ox or other cattle, or any sheep, belonging to another, or shall maliciously and cruelly beat or torture any such animals, whether belonging to himself or another, shall upon conviction, be

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<sup>8</sup> “Bull baiting was a contest in which trained bulldogs attacked tethered bulls. The bull, with a rope tied round the root of his horns, would be fastened to a stake with an iron ring in it, situated in the centre of the ring. The rope was about 15 feet long, so that the animal was confined to a space of 30 feet diameter. The owners of the dogs stood round this circle, each holding their dog by its ears, and when the sport began, one of the dogs would be let loose. The bull was baited for about an hour.” *Elizabethan Bear & Bull Baiting*, <http://www.elizabethan-era.org.uk/elizabethan-bear-bull-baiting.htm>, (accessed June 15, 2007).

<sup>9</sup> Steven M. Wise, *Encyclopedia Britannica’s Advocacy for Animals, Animal Rights Redux*, <http://advocacy.britannica.com/blog/advocacy/2007/07/animal-rights-redux/> (July 16, 2007).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *The History of Human-Animal Interaction- British Law Takes Hold*, <http://www.libraryindex.com/pages/2154/History-Human-Animal-Interaction-BRITISH-LAW-TAKES-HOLD.html> (accessed June 12, 2008).

adjudged guilty of a misdemeanor.”<sup>14</sup> Most states passed similar statutes. Today, some states make some animal abuse a felony.<sup>15</sup>

The modern animal rights movement is based on the theory that many animals have basic interests that deserve recognition, consideration, and protection.<sup>16</sup> Many people believe it’s these interests that give the animals both moral and legal rights.<sup>17</sup> A major contributor to the modern animal rights movement is Peter Singer, whose philosophy is similar to that of Jeremy Bentham. “...Singer holds that actions are morally right to the extent that they maximize pleasure and minimize pain; the key consideration is whether an animal is sentient and can therefore suffer pain or experience pleasure.”<sup>18</sup>

## **B. MODERN LAW: THE ANIMAL WELFARE ACT AND THE HUMANE METHODS OF SLAUGHTER ACT**

### **a. The Laws Defined**

The Animal Welfare Act (AWA) states:

The Congress finds that animals and activities which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this chapter is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order--

(1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

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<sup>14</sup> *Id.*

<sup>15</sup> Wise, *supra*, n. 9. Also, for a convenient chart of anti-cruelty laws listed by state, see The Humane Society of the United States, *Factsheet: State Animal Anti-Cruelty Law Provisions*, [http://www.hsus.org/web-files/PDF/state\\_cruelty\\_chart.pdf](http://www.hsus.org/web-files/PDF/state_cruelty_chart.pdf) (updated June 2007).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this chapter, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.<sup>19</sup>

However, the AWA specifically excludes farm animals from its definition. The AWA defines animals as:

...any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (2) horses not used for research purposes, and (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes...<sup>20</sup>

Congress, in the Humane Methods of Slaughter Act (HMSA), declared that, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.”<sup>21</sup> The Act then describes humane slaughtering methods:

- a. in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or
- b. by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia

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<sup>19</sup> 7 U.S.C.A. § 2131 (Westlaw current through June 3, 2008).

<sup>20</sup> *Id.* at § 2132(g).

<sup>21</sup> 7 U.S.C.A. § 1902 (Westlaw current through June 3, 2008).

of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.<sup>22</sup>

The phrase “other livestock” in (a) above does not apply to poultry.<sup>23</sup> To place that statement into perspective, over nine billion chickens, ducks and turkeys were not lawfully required to be “rendered insensible to pain...before being shackled, hoisted, thrown, cast, or cut...”<sup>24</sup>

The HMSA is enforced in two ways. Federal meat inspectors are in charge of enforcing the Act and have the authority to suspend inspection if they find any violations.<sup>25</sup> Also, according to the Federal Meat Inspection Act, “any person, firm, or corporation who violates [the FMIA]...shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine...”<sup>26</sup> It should be noted that there are no reported cases of prosecutions for inhumane slaughter.<sup>27</sup>

#### **b. The Legislative History of the Humane Methods of Slaughter Act**

The history of the Humane Methods of Slaughter Act (HMSA) is lengthy and interesting. After a three-year campaign by animal advocacy groups, the HMSA was enacted in 1958.<sup>28</sup> In 1955, Senator Hubert Humphrey campaigned on the issue and introduced the first humane slaughter bill.<sup>29</sup> Although the bill failed to pass, Senator Humphrey formed a subcommittee of the agriculture

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<sup>22</sup> *Id.*

<sup>23</sup> 70 Fed. Reg. 56624-01, 56624-56625 (Sept. 28, 2005).

<sup>24</sup> United States Department of Agriculture, *Poultry Slaughter- 2005 Annual Summary* 2-3, <http://www.upc-online.org/slaughter/2005AnnualPoultrySlaughter.pdf>, (February 2006).

<sup>25</sup> 21 U.S.C.A. § 603(b) (Westlaw current through June 3, 2008).

<sup>26</sup> 21 U.S.C.A. § 676 (Westlaw current through June 3, 2008).

<sup>27</sup> Jeff Welty, *Humane Slaughter Laws*, 70 WTR Law & Contemp. Probs. 175, 184 (2007); Welty, in FN44 states, “The Federal Justice Statistics Resource Center (FJSRC) provides data on how many federal criminal prosecutions are brought under each federal criminal statute each year. See generally Federal Justice Resource Center, [http://fjsrc.urban.org/analysis/t\\_sec/stat.cfm](http://fjsrc.urban.org/analysis/t_sec/stat.cfm) (last visited Nov. 15, 2006). The FJSRC reports between zero and six prosecutions for humane slaughter violations in each of the most recent five years for which data are available. If the FJSRC’s data are accurate, and there have indeed been a few prosecutions, it is remarkable that they have drawn no media coverage.”

<sup>28</sup> *Id.* at 184.

<sup>29</sup> *Id.* See also Welty, *supra* n. 27, at FN46, 85 Cong. Rec. S15381 (1958).

committee and held hearings in conjunction with another humane slaughter bill in 1956.<sup>30</sup> After the senate hearings and two more attempts at getting a humane slaughter bill passed, members of the House subcommittee visited many slaughterhouses.<sup>31</sup>

In February 1958, the House passed a bill stating that humane slaughter was “the public policy of the United States,” but the bill was limited in scope to livestock and required the government to buy meat from processors that only practiced humane slaughter. However, there were no other penalties.<sup>32</sup>

The debate got heated when the meat industry opposed the bill and wanted the Senate to pass a bill calling for government study of the issue.<sup>33</sup> The United States Department of Agriculture (USDA) also opposed the bill and questioned how they would enforce it and its effects on government subsidy programs. The Army was also concerned, since it purchased meat not only from domestic suppliers, but also foreign suppliers as well.<sup>34</sup> Orthodox Jewish groups also opposed the bill.<sup>35</sup> The American Meat Institute also opposed the bill on the grounds that because there was no humane method of slaughtering, it would be too expensive for the government to regulate humane slaughtering methods.<sup>36</sup> Needless to say, the Senate agriculture committee held lengthy hearings on the issues, but the committee was divided. A majority of the committee recommended the study bill, but a large minority, including Senator Humphrey, campaigned for the stronger version of the bill to pass.<sup>37</sup>

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<sup>30</sup> *Id.* See also Welty, *supra* n. 27, at FN47, 85 Cong. Rec. S15412-13 (1958).

<sup>31</sup> *Id.* See also Welty, *supra* n. 27, at FN51.

<sup>32</sup> *Id.* at 185. See also Welty, *supra* n. 27, at FN55, 85 Cong. Rec. H1672 (1958) (rejecting study amendment; Rep. Hiestand argued that “the effect of the amendment is to kill the bill”); 85 Cong. Rec. H1674 (Feb. 4, 1958) (passing the bill).

<sup>33</sup> *Id.* See also Welty, *supra* n. 27, at FN56, also Sen. Comm on Agriculture and Forestry, *Proposals Relating to Humane Methods of Slaughter of Livestock: Hearings on S.1213, S. 1497, and H.R. 8308*, 85<sup>th</sup> Cong. 30 (1958) (statement of Fred Myers, executive director, Humane Society of the United States) (hereinafter S. Hearings).

<sup>34</sup> *Id.* See also Welty, *supra* n. 27, at FN58, S. Hearings at 229-44.

<sup>35</sup> *Id.* See also Welty, *supra* n. 27, at FN59, S. Hearings at 148-59.

<sup>36</sup> *Id.* See also Welty, *supra* n. 27, at FN60, S. Hearings at 131-42.

<sup>37</sup> *Id.* See also Welty, *supra* n. 27, at FN61, 85 Cong. Rec. S15377 (1958).

A Senate debate was held in July 1958, with those opposing the bill arguing for a study bill to be passed.<sup>38</sup> The supporters of the original, stronger bill argued that because this issue had been discussed and studied continuously for three years, it should be passed.<sup>39</sup> The original bill prevailed by just three votes.<sup>40</sup> When the bill was amended to include ritual slaughter exemptions, the bill passed without difficulty.<sup>41</sup> The bill went to the House and passed, and President Eisenhower signed the bill into law on August 27, 1958.<sup>42</sup>

In 1978, Congress was presented with the issue of humane slaughter again. At this time, many of the slaughterhouses in the country were using the humane methods proscribed by the HMSA of 1958.<sup>43</sup> Because these humane methods were cost-efficient, the meat industry did not oppose complying with these methods.<sup>44</sup> The 1978 amendment to the HMSA made it mandatory for slaughterhouses that were inspected by the federal government to use humane methods, the definition of which was not changed.<sup>45</sup> The amendment also changed the Federal Meat Inspection Act to give the USDA the responsibility of enforcing the HMSA.<sup>46</sup> The Food Safety Inspection Service, a division of the USDA, was already conducting meat inspections in slaughterhouses. In theory, inspectors would also certify the slaughterhouses were using humane slaughter methods, in addition to the other duties they were performing already.<sup>47</sup>

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<sup>38</sup> *Id.* See also Welty, *supra* n. 27, at FN63, S. Rep. No. 1724 (1958), reprinted in 1958 U.S.C.C.A.N. 3932.

<sup>39</sup> *Id.* at 185-186. See also Welty, *supra* n. 27, at FN64, 85 Cong. Rec. S15381 (1958) (Sen. Humphrey said, “Are we finally to take some action...or are we to wait and wait and wait?... We have been studying this proposed legislation for more than 3 years.”).

<sup>40</sup> *Id.* at 186. See also Welty, *supra* n. 27, at FN65, 85 Cong. Rec. S15401 (1958).

<sup>41</sup> *Id.* See also Welty, *supra* n. 27, at FN67, 85 Cong. Rec. S15416-17 (1958).

<sup>42</sup> *Id.* See also Welty, *supra* n. 27, at FN68, 85 Cong. Rec. H19717 (1958). In this footnote, Welty also quotes generally Gary L. Francione, *Rain without Thunder: The Ideology of the Animal Rights Movement* 11, 95-102 (1996), arguing “At no point in the legislative process did anyone express concern that the use of animals as food might itself be morally objectionable” and giving evidence that humane slaughtering techniques were cost-efficient.

<sup>43</sup> *Id.* See also Welty, *supra* n. 27, at FN69.

<sup>44</sup> *Id.* See also Welty, *supra* n. 27, at FN70.

<sup>45</sup> *Id.* See also Welty, *supra* n. 27, at FN72, 21 U.S.C. § 603(a) (2000).

<sup>46</sup> *Id.* See also Welty, *supra* n. 27, at FN73, 21 U.S.C. § 603 (b) (2000).

<sup>47</sup> *Id.* at 186-187. See also Welty, *supra* n. 27, at FN74.

In response to the public outcry of an article in the Washington Post entitled *They Die Piece by Piece*,<sup>48</sup> which reported on gross violations of the HMSA and lack of USDA enforcement, Congress amended the Farm Security and Rural Investment Act of 2002. The amendment stated that the USDA should enforce the HMSA and keep record of HMSA violations and report the results to Congress.<sup>49</sup> Senator Robert Byrd supported the 2002 amendment of the law and criticized factory farming, “[T]hese are animals, yes. But they, too, feel pain. These agencies can do a better job, and with this provision they will know that the U.S. Congress expects them to do better.”<sup>50</sup>

To date, no courts have interpreted the HMSA. However, *Levine v. Johanns* is a case pending in the Northern District of California.<sup>51</sup> The suit is challenging the HMSA’s exclusion of poultry from its definition of “other livestock.” “Despite the fact that “other livestock”...includes animals such as farmed birds, who comprise more than nine out of ten farm animals killed annually in this country, the USDA interprets this law in a way that excludes chickens, turkeys, and other birds from protection under the HMSA.”<sup>52</sup>

### **c. Problems with the System: Causes of Under-Enforcement**

One main cause of cruelty existing in slaughterhouses<sup>53</sup> is lack of employee training and supervision. Dr. Temple Grandin<sup>54</sup> conducted a study in 1988 to determine the behavior of people

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<sup>48</sup> See *infra* n. 54.

<sup>49</sup> *Id* at 187. See also Welty, *supra* n. 27, at FN80, Farm Sanctuary and Rural Investment Act of 2002, H.R. 2646, 107<sup>th</sup> Cong. § 10305(a)(1) (2002) (enacted).

<sup>50</sup> *Id* at 187-188. See also Welty, *supra* n. 27, at FN81, 147 Cong. Rec. S7311 (2001).

<sup>51</sup> *Levine v. Johanns*, No. 3:05-cv-4764 (N.D. Cal. Filed Nov. 21, 2005).

<sup>52</sup> The Humane Society of the United States, *The HSUS Files Lawsuit Challenging USDA’s Exclusion of Birds from the Humane Methods of Slaughter Act*, [http://www.hsus.org/press\\_and\\_publications/press\\_releases/the\\_hsus\\_files\\_lawsuit\\_Challenging\\_USDA’s\\_Exclusion.html](http://www.hsus.org/press_and_publications/press_releases/the_hsus_files_lawsuit_Challenging_USDA’s_Exclusion.html), (Nov. 21, 2005).

<sup>53</sup> Aside, of course, from the actual slaughtering of animals for human consumption.

<sup>54</sup> “Dr. Grandin is a designer of livestock handling facilities and a Professor of Animal Science at Colorado State University...In North America, almost half of the cattle are handled in a center track restrainer system that she designed for meat plants...She has also developed an objective scoring system for assessing handling of cattle and pigs at meat plants. This scoring system is being used by many large corporations to improve animal welfare.” Temple Grandin, Ph.D, <http://grandin.com/temple.html> (accessed June 19, 2008).

handling livestock in slaughterhouses.<sup>55</sup> She observed that the size of the slaughterhouse was not related to unacceptable employee behavior, but poorly maintained and poorly designed facilities did contribute to an increased incidence to “livestock accidents.”<sup>56</sup> However, she did find that a slaughterhouse with good facilities does not necessarily mean that the animals will be handled in an acceptable manner.<sup>57</sup>

The two worst incidents of deliberate animal cruelty witnessed occurred in slaughter plants that had new, well-designed facilities. One man took pleasure in shooting the eyes out of cattle before he killed them. In the other plant, a man stabbed a meat hook deep into a live hog's shoulder and dragged it like a hay bale. One of these plants had lax management and never disciplined employees for cruelty, while the other only gave a reprimand for stabbing the hog. In neither of these cases did management punish employees severely for cruelty.<sup>58</sup>

Dr. Grandin identifies a lack of employee training as one of the five factors that contribute to animal welfare issues in slaughterhouses.<sup>59</sup> She notes that maintaining a high standard of welfare for the animals requires constant supervision and attention by the managers. A good manager improves the details of the procedures and when distractions are removed, “employees can fully use behavioral principles to move animals easily and quietly.”<sup>60</sup>

In *Garza v. IBP, Inc.*, Garza believed he was fired from his job at a slaughterhouse because of his race, while IBP maintained he was fired because he engaged in animal cruelty.<sup>61</sup> Garza stated he exhibited no more inhumane behavior toward the animals than the other employees.<sup>62</sup> The court

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<sup>55</sup> Temple Grandin, *Commentary: Behavior of Slaughter Plant and Auction Employees toward the Animals*, <http://grandin.com/references/behavior.employees.html> (1988).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Temple Grandin, *Animal Welfare in Slaughter Plants*, <http://grandin.com/welfare/general.session.html>, (1996). The four other factors she identifies are: 1) stressful equipment and methods; 2) distractions that impede animal movement; 3) poor equipment maintenance; and 4) poor condition of animals arriving at the plant.

<sup>60</sup> *Id.*

<sup>61</sup> 1987 U.S. Dist. LEXIS 12601 (D. Kan., Dec. 15, 1987).

<sup>62</sup> *Id.*

heard much evidence and examined the slaughtering process at IBP and Garza's position as a "knocker" who used the captive-bolt stunning method to render the cows unconscious.<sup>63</sup>

The court found that "misknocks," shots that did not render the animal unconscious, were "a common occurrence," because the line is fast-paced.<sup>64</sup> The stunning gun that Garza used was removed from the plant due to the gun having inadequate air pressure, thus requiring more shots to the animal.<sup>65</sup> The court specifically noted one incident where Garza shot a cow in the face to drive it backwards.<sup>66</sup> The cow's right eye was shot out and it had also been shot underneath its left eye.<sup>67</sup> IBP argued it was this incident that led IBP to fire Garza, but other IBP witnesses testified that "all knockers occasionally use the guns to move the animals back," and that "all knockers occasionally knock an animal in the eye."<sup>68</sup>

It was found that other workers at the plant, not just knockers, participated in acts of animal cruelty. Another worker cut off an ear of a live animal and still another "intentionally and repeatedly dropped a chute gate on an animal, smashing its head."<sup>69</sup> The court noted that the plant "did not provide any formal instruction to its employees or supervisory personnel regarding company or government regulations concerning the inhumane treatment of animals."<sup>70</sup>

One possible answer to the lack of training and supervision at slaughterhouses in the United States is the high rate of turnover for slaughterhouse workers.<sup>71</sup> "Perhaps because of the job hazards and workforce demographics, labor turnover in meatpacking is quite high, and in some establishments can reach 100 percent in a year as workers move to other employers or return to

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> James M. MacDonald, et al., U.S. Dept. of Agriculture, Agriculture Economic Report No. 785, *Consolidation in U.S. Meatpacking* 15, <http://www.ers.usda.gov/publications/aer785/aer785.pdf> (1999).

their native countries.”<sup>72</sup> Not surprisingly, the slaughterhouse worker has a low-paying job.<sup>73</sup> The mean hourly wage of slaughterers and meat packers in 2007 was \$10.83.<sup>74</sup> Therefore, slaughterhouse employers have little incentive to provide training to employees.<sup>75</sup>

Another cause of cruelty in slaughterhouses is the inconsistent or complete lack of enforcement of the HMSA. For the first twenty years of the law’s existence, “the only available enforcement mechanism was the denial of federal meat contracts to slaughterhouses.”<sup>76</sup> Although the USDA had a list of which slaughterhouses were humane and those that were not, “[f]rom the USDA’s own records, it is impossible to determine which methods a slaughterhouse is using.”<sup>77</sup> The amendment in 1978 required inspections for compliance with humane slaughter. “However, Congress was concerned about the expense of enforcement and did not want to create an additional layer of federal bureaucracy.”<sup>78</sup> Congress clarified in the amendment that the inspection for humane slaughter would be an additional duty on the existing meat inspectors of the USDA.<sup>79</sup> No additional inspectors were hired.<sup>80</sup>

The current meat inspection system does not adequately inspect for humane slaughter. The FSIS is the agency that inspects meat to ensure it is for human consumption and is also charged with inspecting for humane slaughter compliance. However, the FSIS inspectors check the meat at the

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<sup>72</sup> *Id.*

<sup>73</sup> U.S. Dept. of Labor, Bureau of Labor Statistics, *May 2007 National Occupational Employment and Wage Estimates*, [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm), (accessed June 19, 2008).

<sup>74</sup> *Id.* at category 51-3023, Slaughterers and Meat Packers.

<sup>75</sup> See Welty, *supra* n. 27 at 193.

<sup>76</sup> *Id.* at 194.

<sup>77</sup> *Id.* See also Welty, *supra* n. 27, at FN139, (statement of Robert F. Welborn, Vice-Chairman of the Board of Directors, Humane Society of the United States).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 194-195. See also Welty, *supra* n. 27, at FN141, 21 U.S.C. § 603(b) (2000), requiring that the USDA “cause to be made, by inspectors appointed for that purpose, an examination and inspection” of the slaughtering methods in federally inspected slaughterhouses.

<sup>80</sup> *Id.* at 195. See also Welty, *supra* n. 27, at FN142.

end of the slaughter line and do not usually even see the slaughter in the first place.<sup>81</sup> In her book, *Slaughterhouse*, Gail Eisnitz notes that one USDA inspector stated,

[T]he way plants are laid out, meat inspection is way down the line. A lot of times, inspectors can't even see the slaughter area from their stations. It's virtually impossible for them to monitor the slaughter area when they're trying to detect diseases and abnormalities in carcasses that are whizzing by.<sup>82</sup>

Another reason the meat inspection system is not working well is because it is stretched to its capacity. The FSIS has 10,000 employees and a large majority of them, 7,700, work in slaughterhouses.<sup>83</sup> However, there are approximately 6,200 slaughterhouses that the FSIS inspects, suggesting the likelihood that there are not enough inspectors to sufficiently check for compliance with both meat safety and humane slaughter regulations.<sup>84</sup> Even the FSIS does not know how many inspectors enforce the HMSA or how much time they spend on ensuring HMSA is enforced.<sup>85</sup>

Thus, non-compliance with the HMSA is prevalent throughout slaughterhouses in the country. Lester Friedlander, a veterinarian and former chief USDA inspector stated, “[i]n plants all over the United States, this happens on a daily basis...I’ve seen it happen. And I’ve talked with other veterinarians. They feel it’s out of control.”<sup>86</sup>

## C. THE LAWS IN PRACTICE: THE SLAUGHTER PROCESS

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<sup>81</sup> *Id.*

<sup>82</sup> *Id.* See also Welty, *supra* n. 27, at FN144, Gail Eisnitz, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry*, 189 (Amherst: Prometheus Books, 1997) (quoting USDA meat inspector Dave Carney).

<sup>83</sup> *Id.* See also Welty, *supra* n. 27, at FN145, Geoffery S. Becker, *CRS Issue Brief for Congress: Meat and Poultry Inspection Issues*, CRS-1, <http://ncseonline.org/NLE/CRSreports/05jan/IB10082.pdf> (2005).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.* See also Welty, *supra* n. 27, at FN147, US. General Accounting Office, *Humane Methods of Slaughter Act: USDA Has Addressed Some Problems but Still Faces Enforcement Challenges* 26, <http://www.gao.gov/new.items/d04247.pdf>, (2004) (Because FSIS does not have adequate data on the number of inspectors responsible for enforcing the HMSA or the actual time they spend on humane handling and slaughter requirements—nor other information, such as criteria to determine the appropriate number of inspectors for different sized plants—it is difficult to determine if the number of inspectors is adequate to effectively enforce the HMSA.”).

<sup>86</sup> Joby Warrick, *The Humane Farming Association, They Die Piece By Piece-The Washington Post*, [http://www.hfa.org/hot\\_topic/wash\\_post.html](http://www.hfa.org/hot_topic/wash_post.html) (April 10, 2001).

The AWA and the HMSA are Congress' attempts at regulating animal welfare in the slaughter industry. In reality, the AWA and the HMSA are not adequately enforced and animal cruelty is prevalent throughout the factory farms in the United States.

For cattle to be slaughtered humanely, they must be stunned before the process begins, according to the HMSA. The most common method of stunning cattle is a method called captive-bolt stunning. A device that is charged with gunpowder or compressed air is placed against the forehead of the bovine, and, when the trigger is pulled, the explosion drives a metal bolt through the bovine's skull. Brain death results when this is done properly. This is different from using a bullet because the end of the captive-bolt stunner cannot exit the end of the device. Apparently, this is an improvement over the previous method of stunning, where the cattle were bludgeoned with a sledge hammer.<sup>87</sup>

In order for the animal to be rendered unconscious instantaneously, the captive-bolt stunning process needs to be done correctly.<sup>88</sup> However, slaughterhouses operate at a high rate of speed, with some killing one animal every three seconds, and it is common for a worker to miss his mark on the animal's head.<sup>89</sup> This means that the animal continues down the slaughter line either stunned or fully conscious. Next, a worker fastens a metal shackle to the cow's left hind leg, and the animal is suspended in the air.<sup>90</sup> At this point in the process, the cow is supposed to be unconscious, but many times they are fully conscious and struggling.<sup>91</sup> Another worker is then supposed to cut the animal's carotid arteries, and then the animal bleeds out.<sup>92</sup>

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<sup>87</sup> See Welty, *supra* n. 27, at 176; See also Welty, *supra* n. 27, at FN6, S. Hearings.

<sup>88</sup> "Practical experience in slaughter plants indicates that cattle shot correctly with a penetrating captive bolt have irreversible damage to their brain and they will not revive." Temple Grandin, *Recommended Captive Bolt Stunning Techniques for Cattle*, <http://www.grandin.com/humane/cap.bolt.tips.html> (Updated February 2008).

<sup>89</sup> Rory Freedman & Kim Barnouin, *Skinny Bitch*, 66, (Nancy Armstrong, ed. Running Press 2005); See also Gail Eisnitz, *supra* n. 82, at 20, 24-25, 31.

<sup>90</sup> See Welty, *supra* n. 27, at 177.

<sup>91</sup> Freedman, *supra* n. 26; Eisnitz 126-133.

<sup>92</sup> Welty, *supra* n. 27 at 177.

Joby Warrick interviewed Ramon Moreno, a worker at IBP, Inc. (now known as Tyson Foods, Inc.).<sup>93</sup> Moreno was a ‘second-legger’ for 20 years, a job that required cutting hocks off carcasses as they fly by him at a rate of 309 per hour.<sup>94</sup> Although the cows were supposed to be dead before they arrived at Moreno’s station, they were usually alive: “They make noises...The head moves, the eyes are wide and looking around,” Moreno said.<sup>95</sup> He continued to say that many animals reached his station clearly alive and conscious and even some would survive to the tail cutter, the belly ripper, and the hide puller.<sup>96</sup> Moreno stated, “They die piece by piece.”<sup>97</sup> Unfortunately, animal abuse is widespread in slaughterhouses across the country. Many other instances of animal cruelty and abuse have been documented.<sup>98</sup>

Veal is also slaughtered for human consumption, although veal is a by-product of the dairy industry.<sup>99</sup> Like humans, cows must be impregnated and give birth to produce milk.<sup>100</sup> The half of cows that are born female are used to replace the existing dairy cows.<sup>101</sup> The other half, the males, have no use in the dairy industry since they do not produce milk. These baby males<sup>102</sup> are used for veal, and the displaced dairy cows are sent to slaughter for their meat.<sup>103</sup>

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<sup>93</sup> See Warrick, *supra* n. 86.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> Gail Eisnitz, in her book *Slaughterhouse* (see *supra* n. 82 on front jacket), interviewed many slaughterhouse workers in the U.S and documented the worker’s admissions to animal abuse. It should be noted that every person she interviewed admitted to abusing animals or neglecting to report those who did.

<sup>99</sup> Compassionate Action for Animals, *Dairy and Veal: A Cow’s Life*, <http://www.exploreveg.org/issues/dairy.html> (accessed June 22, 2008).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> “Within moments of birth, male calves born on dairies are taken away from their mothers and loaded onto trucks. Many are sold through auction rings where they are subjected to transportation and handling stresses. The fragile animals are shocked and kicked, and when they can no longer walk, they are dragged by their legs or even their ears. Every year, approximately one million calves are confined in crates measuring just two feet wide. They are chained by the neck to restrict all movement, making it impossible for them to turn around, stretch, or even lie down comfortably. This severe confinement makes the calves’ meat “tender” since the animals’ muscles cannot develop.”

*Id.*

<sup>103</sup> *Id.*

There are commonly two methods used for slaughtering pigs. The first is suffocation by carbon dioxide. This method, “involves driving pigs onto a conveyor belt that moves them through a tunnel or chamber filled with carbon dioxide. The carbon dioxide is supposed to anesthetize the animals before they are ‘stuck’; in some plants, it is intended to kill them by asphyxiation.”<sup>104</sup>

In its report, the Farm Animal Welfare Council states, however, that when pigs are exposed to carbon dioxide,

[T]here is a period of about 10 seconds when there is little behavioural reaction. There then follows a period of breathlessness and hyperventilation for a further 10 seconds, and at this point there may be vocalisation and escape behaviour. These signs are followed by loss of posture and onset of convulsions. Based on observed behaviours and measures of brain activity there is a considerable period of time, up to 15 seconds, before the pig loses consciousness.<sup>105</sup>

Pigs, and sheep as well, are also slaughtered using another method, electric stunning. A forked wand is placed so that one paddle is on the animal’s head, and the other on its back near the heart.<sup>106</sup> “In order to produce instantaneous, painless unconsciousness, sufficient amperage (current) must pass through the animal’s brain to induce an epileptic seizure.”<sup>107</sup> The Farm Animal Welfare Council notes that a successful stun depends on the skill of the worker to place the electrodes in the correct places on the animal and also that improper electrode position is a large problem in slaughterhouses.<sup>108</sup>

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<sup>104</sup> See Welty, *supra* n. 27, at 178.

<sup>105</sup> Farm Animal Welfare Council, *Report on the Welfare of Farmed Animals at Slaughter or Killing* 29, <http://www.fawc.org.uk/reports/pb8347.pdf> (June 2003).

<sup>106</sup> Temple Grandin, *Electric Stunning of Pigs and Sheep*, <http://grandin.com/humane/elec.stun.html> (June 2008).

<sup>107</sup> *Id.* (Insufficient amperage or a current path that fails to go through the brain will be painful for the animal. It will feel a large electric shock or heart attack symptoms, even though it may be paralyzed and unable to move.)

<sup>108</sup> See Farm Animal Welfare Council, *supra* n. 105, at 30.

The process of slaughtering chickens is different than that of pigs and cattle.<sup>109</sup> Chickens are transported to slaughterhouses by truck.<sup>110</sup> When the birds arrive at the slaughterhouse, they can wait in the trucks without food or water for up to nine hours.<sup>111</sup> The birds are moved inside the plant and are shackled upside down by their feet on a movable metal rack.<sup>112</sup> The rack is part of a moving line.

It is possible for the birds to suspend upside down for several minutes, if the line is moving slowly.<sup>113</sup> The chickens' heads are then dragged through an electrified salt-water bath.<sup>114</sup> "The shock immobilizes the birds, but is not designed to kill them; they will not 'bleed out' as completely if they enter cardiac arrest at this point."<sup>115</sup> This process is designed to make it easier to remove feathers and to prevent the chickens from thrashing about.<sup>116</sup> This process does not stun all of the birds, because before they are dragged through the bath, some will try to avoid the water.<sup>117</sup>

The birds then travel down the line and their necks are cut, usually by machine.<sup>118</sup> These machines can cut the throats of chickens at a rate of thousands an hour.<sup>119</sup> When both carotid arteries are cut, the chicken will die quickly.<sup>120</sup> The birds that still have the ability to move, not being rendered immobile by the electric bath, will either be cut improperly or not cut at all.<sup>121</sup> Those who have been cut properly will then die from blood loss. But, if both of the carotid arteries have not

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<sup>109</sup> Before chickens are rounded up for transport to the slaughterhouse, the ends of their beaks have usually been chopped off. Due to the overcrowding conditions and stress level in the circumstances they are raised in, the chickens peck at other chickens and also farm workers. This is done to eliminate excessive pecking. See Freedman & Barnouin, *supra* n. 89, at 67.

<sup>110</sup> United Poultry Concerns, *Poultry Slaughter: The Need for Legislation 2*, <http://www.upc-online.org/slaughter/slaughter3web.pdf> (accessed June 22, 2008).

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> See Welty, *supra* n. 27, at 181.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> See Eisnitz, *supra* n. 82 at 166.

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

been properly cut, then this process is compromised and that bird will die at a slower rate.<sup>122</sup> At this point in the process, it is possible for birds to still be alive, having survived the electric bath and cutting machine.<sup>123</sup>

The next stop in the process brings the birds to a scalding tank of water. The birds are dunked to remove their feathers. The chickens that avoided up death to this point are dropped in alive and are termed “red skins” because they are full of blood.<sup>124</sup> Then they are processed through a series of machines to beat the feathers off them.<sup>125</sup>

### **III. The Vegan Way**

While campaigning for adherence to the existing humane slaughter laws and fighting for even stricter laws governing humane slaughter are admirable actions, lobbyists and legislators miss the point altogether. The real issue revolves around the question of whether eating animals is a moral choice.<sup>126</sup> A way of bypassing humane slaughter laws and slaughtering animals for human consumption is, ideally, for humans not to consume animals. If that goal were accomplished, “humane” slaughter laws would become null and void because the practice of slaughtering animals would no longer exist.

Donald Watson, founder of the Vegan Society, coined the term “vegan” in 1944:

...[T]he word "veganism" denotes a philosophy and way of living which seeks to exclude — as far as is possible and practical — all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose; and by extension, promotes the development and use of animal-free alternatives for the benefit of humans, animals and the environment.<sup>127</sup>

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<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> See Welty, *supra* n. 27, at 181-182.

<sup>125</sup> See Eisnitz, *supra* n. 82, at 166.

<sup>126</sup> See Gary L. Francione, *supra* n. 42.

<sup>127</sup> The Vegan Society, *Memorandum of Association of The Vegan Society* 1, <http://www.vegansociety.com/html/downloads/ArticlesofAssociation.pdf> (accessed June 22, 2008).

Vegans (those who adhere to the vegan lifestyle) oppose the operation of factory farms<sup>128</sup> and see those practices as cruel and inhumane to animals.<sup>129</sup>

Not only does a vegan diet contribute to the exploitation and suffering of animals<sup>130</sup>, but it is also safe and healthy to live by. Approximately 2.5% of adults in the United States denote themselves as vegetarian.<sup>131</sup> A vegan diet can meet the current recommendations for all of the key nutrients including protein, iron, zinc, calcium, vitamin D, riboflavin, vitamin B-12, vitamin A, n-3 fatty acids, and iodine.<sup>132</sup> “Well-planned vegan and other types of vegetarian diets are appropriate for all stages of the life cycle, including during pregnancy, lactation, infancy, childhood, and adolescence.”<sup>133</sup>

Vegan diets offer an immense amount of health benefits as well. Vegans are shown to have lower levels of saturated fat, cholesterol, and animal protein and higher levels of carbohydrates, fiber, magnesium, potassium, folate, and antioxidants such as vitamin C and E.<sup>134</sup> It follows also that vegans have a lower blood cholesterol levels and lower incidences of hypertension, type 2 diabetes, and prostate and colon cancer.<sup>135</sup>

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<sup>128</sup> Vegan Outreach, *Factory Farms*, <http://www.veganoutreach.org/whyvegan/animals.html> (accessed June 23, 2008). “The competition to produce inexpensive meat, eggs, and dairy products has led animal agribusiness to treat animals as objects and commodities. The worldwide trend is to replace small family farms with “factory farms”—large warehouses where animals are confined in crowded cages or pens or in restrictive stalls.”

<sup>129</sup> Vegan Society, *Exploitation*, <http://www.vegansociety.com/html/animals/exploitation/> (accessed June 23, 2008). “The vast majority of these animals will have spent their brief lives in the cramped, distressing conditions of the factory farm. Their close confinement and the overworking of their bodies will have led to increased susceptibility to injury and disease. They will have been reared on an unnatural diet designed to increase productivity and many will have undergone various painful and traumatic procedures. Those that make it to the slaughterhouse (and many do not - dying of neglect, exposure, disease, and starvation) must endure a final journey in over-crowded, under-ventilated vehicles, by land or sea, before they are killed and butchered... Dairy cows and laying hens are amongst the most ill-treated of all farm-animals... they are often over-worked and neglected.... The best way to end their suffering is to go vegan.”

<sup>130</sup> A vegan lifestyle also consumes fewer resources and causes less environmental damage than does an animal based diet.

<sup>131</sup> Journal of the American Dietetic Association, *Position of the American Dietetic Association and Dieticians of Canada: Vegetarian Diets*, <http://www.adajournal.org/article/PIIS0002822303002943/fulltext> (June 2003).

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

Heart disease, stroke, and other cardiovascular diseases are the No. 1 killer of Americans and claim over one million lives each year.<sup>136</sup> It follows that cardiovascular diseases cost Americans an estimated \$394 billion in medical expenses and lost productivity in 2006, which is more than any other disease.<sup>137</sup> A vegan diet can greatly reduce one's chances of suffering a cardiovascular disease. For every one percent reduction from the average cholesterol level, lowers one's risk of suffering a heart attack by two percent.<sup>138</sup> The average American's cholesterol level is 210, while the average vegetarian and vegan cholesterol levels are 161 and 133, respectively.<sup>139</sup> These statistics are due to the fact that plant foods contain no cholesterol, whereas meats, eggs and dairy foods contain large amounts of cholesterol and saturated fat.<sup>140</sup>

It is common to hear comments about being addicted to cheese, or how one would be unable to give up cheese.<sup>141</sup> That is not totally unfounded. In 1981, Eli Hazum and his team of researchers at Wellcome Research Laboratories in Research Triangle Park, N.C., discovered that cow's milk contains a substance chemically similar to morphine.<sup>142</sup> Morphine is a highly addictive opiate and is derived from the poppy flower.<sup>143</sup> However, a cow also produces this chemical in its liver, and the substance travels to its milk.<sup>144</sup> This substance is a protein called casein, and when digested, breaks apart into many other forms of opiates, called casomorphines.<sup>145</sup>

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<sup>136</sup> American Heart Association, *Centers for Disease Control and Prevention: Heart Disease and Stroke Prevention*, <http://www.americanheart.org/presenter.jhtml?identifier=3010152> (accessed June 23, 2008).

<sup>137</sup> *Id.*

<sup>138</sup> People for the Ethical Treatment of Animals, GoVeg.com, *Cholesterol and Atherosclerosis*, [http://www.goveg.com/heartdisease\\_cholather.asp](http://www.goveg.com/heartdisease_cholather.asp) (accessed June 23, 2008).

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> Vegetarian Blues, *Casein and Cheese More Addictive than Chocolate?*, [http://www.healthdiaries.com/blogs/vegetarianblues/archives/2004/09/casein\\_and\\_cheese\\_more\\_addictive\\_than\\_chocolate.html](http://www.healthdiaries.com/blogs/vegetarianblues/archives/2004/09/casein_and_cheese_more_addictive_than_chocolate.html) (September 26, 2004). "A couple of days ago, I joked that I was detoxing from dairy and that I needed a 12-step program because I find it so hard to give up cheese."

<sup>142</sup> Neil D. Barnard, *Breaking the Food Seduction*, [http://www.vegsource.com/articles2/barnard\\_food\\_seduction\\_print.htm](http://www.vegsource.com/articles2/barnard_food_seduction_print.htm) (accessed June 23, 2008).

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

Cheese is a concentrated form of casein.<sup>146</sup> When milk is processed into cheese, most of the water, whey proteins, and lactose are removed, leaving a concentrated source of casein and fat.<sup>147</sup> The obvious way to eliminate this chemical addiction from one's life is to remove cheese and dairy products from the diet.

A vegan lifestyle also consumes fewer resources and causes less environmental damage than does an animal-based diet. Factory farms and livestock are responsible for nearly eighteen percent of greenhouse gases, and are also responsible for approximately sixty-four percent of anthropogenic ammonia emissions, which contribute to acid rain.<sup>148</sup> Raising livestock and irrigating water to the crops for their feed carve out eight percent of the global human water use.<sup>149</sup>

It is probably the largest sectoral source of water pollution, contributing to eutrophication, "dead" zones in coastal areas, degradation of coral reefs, human health problems, emergence of antibiotic resistance and many others. The major sources of pollution are from animal wastes, antibiotics and hormones, chemicals from tanneries, fertilizers and pesticides used for feedcrops, and sediments from eroded pastures.<sup>150</sup>

In Latin America, over seventy percent of the land that was once occupied by forests is now replaced with pastures to accommodate the expansion in livestock production.<sup>151</sup> Crops for feed make up a large portion of the remaining pasture.<sup>152</sup>

Raising livestock consumes a massive amount of land resources. Livestock farming takes up more than two-thirds of agricultural land, which is one third of the total land on the globe.<sup>153</sup> The livestock industry would like the general public to believe that this is, "justifiable because by eating

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<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> Vegan Outreach, Environmental Destruction, *Livestock's Long Shadow: Environmental Issues and Options*, <http://www.veganoutreach.org/whyvegan/environment.html> (2006).

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> Vegan Society, The Environment, Land, *What's the Problem?*, <http://www.vegansociety.com/html/environment/land/> (accessed June 24, 2008).

the foods that humans can't digest and by processing these into meat, milk and eggs, farmed animals provide us with an extra, much-needed food source.”<sup>154</sup> However the food that is being fed to the livestock is now likely a mixture of grains and cereals, which could have been consumed by humans or were grown on land that could have been farmed for other consumable food.<sup>155</sup> Currently, “[w]orld livestock population exceeds twenty-one billion animals each year. The earth’s livestock population is more than three and a half times its human population.”<sup>156</sup>

Animal Feed Operations (AFOs) “are farms or feedlots where animals are kept and raised in confined areas for at least forty-five days over a twelve month period.”<sup>157</sup> According to the EPA, an AFO has negative effects on the environment and the health of humans because they contribute extensively to the quality of water and air.<sup>158</sup> AFOs produce massive amounts of animal sewage.<sup>159</sup> One dairy cow produces 120 pounds of wet manure each day, which is the equivalent of the waste produced by 20-40 people.<sup>160</sup> This waste pollutes rivers and underground drinking water.<sup>161</sup> Most of the AFOs in the United States do not have the capacity to correctly handle storm water runoff, and the stored animal waste gets washed into nearby rivers and streams.<sup>162</sup>

A vegan diet can benefit one’s health in a myriad of ways and can reduce harmful effects on the environment. Veganism also does not contribute to practices that are cruel and unethical toward

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<sup>154</sup> *Id.*

<sup>155</sup> *Id.* “The UN Food and Agriculture Organisation (FAO) estimates that around 840 million people are undernourished. That's roughly 14% of the human population. On average, around 25,000 people die every day from hunger-related causes. Each year 6 million children under the age of 5 die as a result of hunger and malnutrition... With the world's population expected to increase from 6 billion to 9 billion by 2050, one of the most urgent questions we now face is how we, as a species, will feed ourselves in the 21st century. Land availability is one of the main constraints on food production... At the moment, the problem is not lack of food - it is widely agreed that enough food is produced worldwide to feed a global population of 8-10 billion people - but lack of availability... Western lifestyles - and diet in particular - can play a large part in depriving the world's poor of much needed food.”

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> U.S. Environmental Protection Agency, Region 9: Animal Waste, *What’s the Problem?*, <http://www.epa.gov/region09/animalwaste/problem.html> (accessed June 24, 2008).

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

animals. Any concerns about a “humane” method of slaughter are rendered moot by a diet that altogether bypasses slaughtering animals for human consumption.

#### **IV. Conclusion**

When examined closely, the slaughtering process is, at least, not a pleasant idea to most people. The Animal Welfare Act and the Humane Slaughter Act have failed to protect the welfare of animals and to ensure a “humane” method of slaughter. Time and time again, the abuse of animals in slaughterhouses has been illustrated. The USDA has fallen short of its duties to enforce the HMSA, and animal abuse is prevalent in slaughterhouses across the United States. Not considering the idea that slaughtering animals for human consumption is inherently cruel, without stricter standards and enforcement of existing laws, or maybe even an entire independent agency to enforce these laws instead of the USDA, it is likely animal cruelty and lack of respect for them will continue to prevail in the meat industry.

A vegan diet is an option that bypasses the meat industry altogether. When one chooses a vegan diet, he or she is able to live a healthy life, be proactive in conserving and restoring our environment, and have the certainty they are not contributing the abuse of animals slaughtered for human consumption.

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